



APR 18 2013

Dear Reviewer:

In accordance with provisions of the National Environmental Policy Act (NEPA), we enclose for your review the National Oceanic and Atmospheric Administration (NOAA) Final Environmental Impact Statement (FEIS) for *Final Amendment 5a to the 2006 Consolidated Highly Migratory Species Fishery Management Plan (RIN 0648-BB29)*

This FEIS is prepared pursuant to NEPA to assess the environmental impacts associated with NOAA proceeding with amending the 2006 Consolidated Highly Migratory Species Fishery Management Plan (Consolidated HMS FMP) based on several shark stock assessments that were completed from 2009 to 2012. The assessments for Atlantic blacknose, dusky, and scalloped hammerhead sharks indicated that these species are overfished and experiencing overfishing. The assessment for sandbar sharks indicated that this species is overfished, but not experiencing overfishing. The assessment for Gulf of Mexico blacktip sharks indicated that the stock is not overfished and not experiencing overfishing. The assessment for Gulf of Mexico blacknose sharks was not accepted, therefore, the overfished and overfishing statuses have been determined to be unknown. Section 301(a) (National Standard 1) and Section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Magnuson-Stevens Act) require the Agency to implement management measures as necessary to end overfishing and rebuild overfished stocks.

After considering comments on the proposed rule and Draft Environmental Impact Statement, we revised Amendment 5 to the 2006 Consolidated HMS FMP and changed the preferred alternative suite. We received numerous comments requesting consideration of approaches to dusky shark fishery management that were significantly different from those we analyzed in the proposed rule and Draft Amendment 5. After reviewing all of the comments received, we are not planning to proceed at this time with the dusky shark measures as proposed. Therefore, this FEIS and its implementing final rule (which will publish after the 30 day waiting period on the FEIS) will now be referred to as Amendment 5a to the 2006 Consolidated Highly Migratory Species Fishery Management Plan, and will address the need to maintain rebuilding of sandbar sharks; end overfishing and rebuild scalloped hammerhead and Atlantic blacknose sharks; and establish a total allowable catch and commercial quotas for Gulf of Mexico blacknose and blacktip sharks. The new preferred alternative suite, Alternative Suite A6, establishes species-specific total allowable catches, quota linkages, and recreational measures.

Additional copies of the FEIS may be obtained from the Responsible Program Official identified below. The document is also accessible electronically through the Highly Migratory Species Management Division's website at <http://www.nmfs.noaa.gov/sfa/hms/>.



We are not required to respond to comments received during the agency's 30 day comment period as a result of the issuance of the FEIS. However, comments received by May 27, 2013, will be reviewed and considered for their impact on issuance of a record of decision (ROD). Please send comments to the responsible official identified below. The ROD will be made available publicly following final agency action on or after May 27, 2013.

RESPONSIBLE

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"NOAA-NMFS-2012-0161"

Sincerely,



Patricia A. Montanio
NOAA NEPA Coordinator

for

Enclosure